

1 THE HONORABLE JOHN C. COUGHENOUR  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

9 ABDIQAFAR WAGAFE and MEHDI  
10 OSTADHASSAN on behalf of themselves  
and others similarly situated,

11 Plaintiffs,

12 v.

13 DONALD TRUMP, President of the  
United States; UNITED STATES  
14 CITIZENSHIP AND IMMIGRATION  
SERVICES; JOHN F. KELLY, in his  
15 official capacity as Secretary of the U.S.  
Department of Homeland Security; LORI  
16 SCIALABBA, in her official capacity as  
Acting Director of the U.S. Citizenship and  
Immigration Services; MATTHEW D.  
17 EMRICH, in his official capacity as  
Associate Director of the Fraud Detection  
and National Security Directorate of the  
U.S. Citizenship and Immigration Services;  
DANIEL RENAUD, in his official  
18 capacity as Associate Director of the Field  
Operations Directorate of the U.S.  
Citizenship and Immigration Services,  
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22 Defendants.

23  
24 No. 17-cv-00094 JCC

**DECLARATION OF HARRY H.  
SCHNEIDER, JR., IN SUPPORT OF  
PLAINTIFFS' MOTION FOR CLASS  
CERTIFICATION**

25 Harry H. Schneider declares as follows:

26 1. I am one of the attorneys representing plaintiffs in this case. I have personal  
knowledge of the facts set forth in this Declaration and I am competent to testify.

DECLARATION OF HARRY H.  
SCHNEIDER, JR. (No. 17-cv-00094 JCC) –

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1       2. I graduated from The University of Chicago Law School in 1979. I was admitted  
 2 to practice in Washington in the October of 1979, have practiced in Washington continuously  
 3 since that time, and am an active member in good standing of the Washington State Bar  
 4 Association.

5       3. I am admitted to practice in the United States District Courts for the Western  
 6 District of Washington, the Eastern District of Washington, the United States Court of Appeals  
 7 for the Ninth Circuit, and the United States Supreme Court. I have also been admitted *pro hac*  
 8 *vice* in various other state and federal courts in jurisdictions outside of Washington including  
 9 Oregon, Alaska, California, New York, New Hampshire, Arizona, Massachusetts, New Jersey,  
 10 Nevada, Wisconsin, and Montana.

11       4. I was an associate attorney at Perkins Coie from September 1979-1985, and have  
 12 been a partner of the firm since January 1, 1986. At all times I have practiced in the general  
 13 litigation practice group at Perkins Coie, engaged in a variety of state and federal court litigation.  
 14 I have represented both individuals and businesses, and have had ample trial experience over the  
 15 past 37 years.

16       5. I am a member of several professional organizations, and have received some  
 17 professional recognition, including: Fellow, American College of Trial Lawyers (2001);  
 18 Member, International Society of Barristers (2007 and currently serving on Board of Trustees  
 19 and as Second Vice-President); Member, Board of Directors of Attorneys' Liability Assurance  
 20 Society, Inc. (1999, and Board Chairman 2011-12); listed in Benchmark Litigation Guide to  
 21 America's Leading Litigation Firms and Attorneys; Best Lawyers "Lawyer of the Year" for Bet-  
 22 the-Company Litigation, State of Washington (2016); listed, Chambers USA, "America's  
 23 Leading Litigation Lawyers; listed, Chambers USA, The Client's Guide; recipient, Washington  
 24 State Bar Association Award of Merit (2011); recipient, Federal Bar Association for the  
 25 Western District of Washington, President's Award (2008); Lawyer Representative, Ninth  
 26 Circuit Judicial Conference (2008-10); Member, Board of Directors, The Washington Courts

DECLARATION OF HARRY SCHNEIDER,  
 JR. (No. 17-cv-00094 JCC) - 2

1 Historical Society; President, King County Bar Foundation (2011-12); Second Vice-President,  
 2 King County Bar Association; Chairman, ABA Standing Committee on Lawyers Professional  
 3 Liability (1991-94); and American Inns of Court Professionalism Award for the Ninth Circuit  
 4 (2009). Although my experience in class action litigation has been primarily on the defense side,  
 5 I am familiar with the procedural aspects and requirements of class action litigation, and I have  
 6 served as counsel for plaintiffs in many civil cases in state and federal court, including this  
 7 Court. My experience in class action cases includes serving as defense counsel in the Boeing  
 8 Securities Litigation before Judge Zilly in the late 1990s.

9       6. My colleague, Nicholas Gellert, is also one of the attorneys representing plaintiffs  
 10 in this case. Mr. Gellert graduated from Georgetown University Law Center in 1988, and has  
 11 been employed by Perkins Coie in the firm's general litigation practice group from 1988 to the  
 12 present. He is admitted to practice in Washington and is a member in good standing with the  
 13 Washington State Bar Association. Mr. Gellert has been named a Washington Super Lawyer  
 14 each year since 2010, and in 2003 received both the Washington State Bar Association's Award  
 15 of Merit and the King County Bar Association's President's Award.

16       7. Mr. Gellert maintains an active pro bono practice, through which he has handled  
 17 both individual claims and complex litigation, including several capital cases and other  
 18 constitutional litigation. He played an important role in defending the constitutionality of  
 19 Interest on Lawyer Trust Account (IOLTA) programs, which achieved vital protection of this  
 20 important mechanism for funding indigent legal services. *Brown v. Legal Foundation of*  
 21 *Washington*, 271 F.3d 835 (9th Cir. 2001) (*en banc*), *aff'd*, 538 U.S. 216 (2003). He currently  
 22 serves, by appointment of the Washington Supreme Court, on Washington's Access to Justice  
 23 Board, and previously served on the board of the Legal Foundation of Washington.

24       8. Mr. Gellert represented a nationwide class of 3,000 Somalian immigrants in *Ali v.*  
 25 *Gonzales*, 213 F.R.D. 390 (W.D. Wash. 2013). He also has experience representing defendants

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 DECLARATION OF HARRY SCHNEIDER,  
 JR. (No. 17-cv-00094 JCC) - 3

1 in class action lawsuits, and he is familiar with the procedural and substantive aspects of class  
 2 action litigation.

3       9. My colleague, Kate Reddy, is also one of the attorneys representing plaintiffs in  
 4 this case. Ms. Reddy graduated from Harvard Law School in 2006. She began her career as an  
 5 associate at the law firm of Bryan Cave in St. Louis, Missouri, where she practiced from 2006-  
 6 2009. In 2009, Ms. Reddy joined Perkins Coie as an associate, and was promoted to partner in  
 7 2017.

8       10. Ms. Reddy is admitted to practice in Illinois, Missouri, and Washington, and is a  
 9 member in good standing of the Washington State Bar Association. Ms. Reddy is familiar with  
 10 the procedural and substantive aspects of class action litigation. Ms. Reddy has served as  
 11 counsel for defendants and plaintiffs in many civil cases in state and federal court, including this  
 12 Court. Ms. Reddy was counsel of record in *Foster Parents Association of Washington State v.*  
 13 *Quigley, et al.*, No. 3:11-cv-05051-BHS (W.D. Wash. 2014), representing an association of  
 14 foster parents in Washington.

15       11. My colleague, David A. Perez, is also one of the attorneys representing plaintiffs  
 16 in this case. Mr. Perez graduated from Yale Law School in 2010. After law school he clerked  
 17 for the Honorable Robert Beezer on the Ninth Circuit Court of Appeals. After his clerkship, Mr.  
 18 Perez served as the Assistant Director of the Fred T. Korematsu Center for Law and Equality at  
 19 Seattle University School of Law, where his practice focused on constitutional law and civil  
 20 rights appeals. Mr. Perez joined Perkins Coie in 2012 as an associate in the general litigation  
 21 practice group, and was promoted to the position of counsel in 2017. He is a member in good  
 22 standing of the Washington State Bar Association.

23       12. Mr. Perez has presented over 20 arguments at the trial court level, and has  
 24 substantial appellate experience, briefing cases at all levels of state and federal government,  
 25 including the U.S. Supreme Court. He has argued in the U.S. Court of Appeals for the Ninth  
 26 Circuit and before the Washington Court of Appeals. Each year since 2013 he has been named a

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 JR. (No. 17-cv-00094 JCC) - 4

“Rising Star” in Washington Law and Politics. In 2013 Mr. Perez received the Latina/o Bar Association’s President’s Award, and in 2015 he received the Champion of Voting Rights award from the Seattle-King County chapter of the League of Women Voters.

13. Although Mr. Perez's experience in class action litigation has been on the defense side, he is familiar with the procedural and substantive aspects of class action litigation, and has served as counsel for plaintiffs in civil cases in state and federal court.

14. Neither I, Mr. Gellert, Ms. Reddy, Mr. Perez, Perkins Coie, nor any co-counsel are receiving reimbursement from the individual plaintiffs or class members in this case. We are representing plaintiffs and the class, if certified, on a pro bono basis. All counsel are qualified and capable of adequately and fairly representing the interests of the class.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 9th day of February, 2017, at Seattle, Washington.

s/ Harry H. Schneider, Jr.  
Harry H. Schneider, Jr., WSBA No. 9404

DECLARATION OF HARRY SCHNEIDER,  
JR. (No. 17-cv-00094 JCC) - 5

**Perkins Coie LLP**  
1201 Third Avenue, Suite 4900  
Seattle, WA 98101-3099  
Phone: 206.359.8000  
Fax: 206.359.9000

## CERTIFICATE OF SERVICE

The undersigned certifies that on the dated indicated below, I caused service of the foregoing DECLARATION OF HARRY H. SCHNEIDER, JR., IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

via the CM/ECF system that will automatically send notice of such filing to all counsel of record herein.

DATED this 9th day of February 2017, at Seattle, Washington.

By: s/ David A. Perez  
David A. Perez #43959  
Attorneys for Plaintiffs  
**Perkins Coie LLP**  
1201 Third Avenue, Suite 4900  
Seattle, WA 98101-3099  
Telephone: 206.359.8000  
Facsimile: 206.359.9000  
Email: DPerez@perkinscoie.com

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**Perkins Coie LLP**  
1201 Third Avenue, Suite 4900  
Seattle, WA 98101-3099  
Phone: 206.359.8000  
Fax: 206.359.9000